

Appl. No. 09/888,040
Amtd. dated Jul. 3, 2006
Reply to Office action of Feb. 2, 2006

RECEIVED
CENTRAL FAX CENTER
JUL 03 2006

REMARKS/ARGUMENTS

Claims 1, 4, 6, 8, 20, 23-26 and 36-40 have been amended. No claims have been cancelled or withdrawn. As a result, claims 1-40 are currently pending in the application. This amendment is being filed with a request for a two month extension to extend the due date from May 2, 2006 to July 3, 2006 (July 2, 2006 was a Sunday). A credit card authorization form is enclosed to pay for the fees. The examiner rejected claims 1-40 in the Office Action mailed February 2, 2006 (hereinafter referred to as "Office Action"). In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 102

The examiner rejected claims 1-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,347,452 to Bay, Jr. (hereinafter referred to as "Bay"). For anticipation, a single reference must identically disclose every element of the claimed invention. *Corning Glass Works v. Sumitomo Electric*, 9 USPQ 2d 1962, 1965 (Fed. Cir. 1989). A reference that excludes a claimed element, no matter how insubstantial or obvious, is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Applicant respectfully submits that claims 1-40 are not anticipated by Bay and are, therefore, allowable under 35 U.S.C. § 102(e) for the reasons stated below.

Claims 1, 26 and 40

Applicant respectfully submits that Bay does not identically disclose "displaying a visual favorable/unfavorable trade indicator based on a comparison of the opening value trend to the closing value trend for the investment" as recited in claims 1, 26 and 40, as amended. Bay merely discloses "displaying current trade volume against historical trade volume" (col. 1, lines 41-43; col. 2, lines 7-10; col. 3, line 24-27) and "forecasting trade volume in a selected time interval" (col. 1, lines 43-46; col. 2, lines 15-18; col. 3, lines 52-54). As shown in Figure 1A, Bay displays four separate bars indicating the various historical and projected trading volumes (Figures 1 (reference 15); Figure 1A; col. 3, lines 54-65). These bars are not a comparison of the opening value trend to the closing value trend for the investment. Although, Bay discloses the use of opening and closing price values to display well-known candlestick markers (Figure 2 (reference 26); col. 4, lines 28-32), this information is not used to calculate the various historical and projected trading volumes (col. 3, lines 54-65). Moreover these bars are not a visual favorable/unfavorable trade indicator based on such a comparison. As a result, applicant respectfully submits that Bay does not identically disclose "displaying a visual favorable/unfavorable trade indicator based on a comparison of the opening value trend to the closing value trend for the investment" as recited in claims 1, 26 and 40, as amended. Accordingly, applicant respectfully submits that claims 1, 26 and 40, as amended, are not anticipated by Bay and are, therefore, allowable under 35 U.S.C. §

Appl. No. 09/888,040
Amdt. dated Jul. 3, 2006
Reply to Office action of Feb. 2, 2006

102(e). Applicant respectfully requests that the rejection of claims 1, 26 and 40 be withdrawn.

Claims 2-25 and 27-39

Applicant respectfully submits that claims 2-25 and 27-39 depend from claims 1 and 26 which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 102(e). Accordingly, applicant respectfully requests that any rejection of claims 2-25 and 27-39 be withdrawn.

In addition, Applicant respectfully submits that Bay does not identically disclose many of the elements recited in claims 2-25 and 27-39. For example, Bay does not identically disclose: the visual favorable/unfavorable trade indicator is a first or second color based on the comparison (claims 4 and 6); the first color is green (claim 5); the second color is red (claim 7); executing a trade involving the investment (claims 14 and 31); simulating a trade involving the investment (claims 15 and 32); calculating a potential tax liability for an execution of a trade involving the investment (claims 16 and 33); or searching for one or more investment trading opportunities based on one or more search criteria (claims 17 and 34). Claims 2-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 102(e). Accordingly, applicant respectfully requests that any rejection of claims 2-25 and 27-39 be withdrawn.

35 U.S.C. § 103

Applicant respectfully submits that the cited references do not disclose, teach or suggest all the claim elements of claims 1-40, as amended. Accordingly, claims 1-40 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103.

Appl. No. 09/888,040
Amdt. dated Jul. 3, 2006
Reply to Office action of Feb. 2, 2006

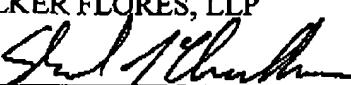
Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-40 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: July 3, 2006

Respectfully submitted,

CHALKER FLORES, LLP

By 

Daniel J. Chalker

Reg. No. 40,552

Tel.: (214) 866-0001

Fax: (214) 866-0010

2711 LBJ Frwy
Suite 1036
Dallas, Texas 75234